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OFFICE OF PETITIONS

In re Application of :
Ara Gharapetian : DECISION ON PETITION
Application No. 10/037,208 :
Filed: January 4, 2002 :
Atty Docket No. HI06036USU :
(P01003US) :

This is a decision on the RENEWED PETITION UNDER 37 CFR 1.137(b) filed June 2, 2008.

The petition is **GRANTED**.

The above-identified application became abandoned effective September 9, 2005 for failure to file a timely reply to the final Office action mailed June 8, 2005. A courtesy Notice of Abandonment was mailed on April 10, 2006. By decision mailed March 31, 2008, the initial PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed November 9, 2007 was dismissed.

The petition included a proposed reply in the form of a request for continued examination and submission under \$1.114 (and RCE fee), a statement of unintentional delay and payment of the petition fee set forth in 37 CFR \$ 1.17(m). However, additional information was required to make the showing that the entire delay in filing the required reply and in filing the instant petition was unintentional within the meaning of 37 CFR 1.137(b)(3).

In response, applicants timely filed the instant petition. In support thereof, applicants submitted a statement of facts by

registered patent attorney Jennifer Hamilton. This statement sets forth the facts and circumstances of the abandonment of the application and of the delay in filing a petition. This additional statement has been considered. Such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). It is concluded that the showing of record is sufficient to establish that the entire delay was unintentional.

Applicants previously submitted a Request for Continued Examination (RCE) and submission under \$1.114 (in the form of an amendment) and paid the petition fee.

Applicants have now met all requirements for revival pursuant to 37 CFR 1.137(b).

Technology Center AU 2116 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the RCE and submission submitted on petition filed November 9, 2007.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions